



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/690,839

10/22/2003

Clement Hiel

CTC001-2

5404

35846

7590

10/18/2005

THE MCINTOSH GROUP
8000 E. PRENTICE AVE.
SUITE B-6
ENGLEWOOD, CO 80111

EXAMINER

NGUYEN, CHAU N

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/690,839	Applicant(s) HIEL ET AL.	
	Examiner Chau N. Nguyen	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-16, 18, 19, 21-24, 26-39, 42, 46-62, 65, 66, 75-85, 87, 89 and 90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 14-16, 18, 19, 21-24, 26-39, 42, 52, 65, 66 and 80 is/are allowed.
- 6) ☒ Claim(s) 46-51, 53, 54, 56, 75-79, 81, 82 and 84 is/are rejected.
- 7) ☒ Claim(s) 55, 57-62, 83, 85, 87, 89 and 90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 47-51, 53, 54 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Berndt (2,988,727).

Berndt discloses a compression fitting dead end (Figure 10) to terminate a conductor, comprising a compressible body (51) having a cavity, a rigid enclosure (43) encapsulating the compressible body to prevent the body from expanding when compressed, the rigid enclosure having at least one opening to expose the at least one cavity to enable the body to mate with a core of the conductor, a connector (42) being attached to the rigid enclosure at the at least one opening and being connected to a structure (not shown) that holds the dead end (col. 4, lines 49-50), a compression element (62) that fits into the at least one opening and compresses the compressible body, wherein compressing the compressible body holds the core of the conductor with frictional forces. Noted that the fitting dead

end of Berndt can be used to terminate an aluminum conductor composite core reinforced cable having a composite core which will be mate with the cavity of the compressible body since the fitting of Berndt comprises structure and material as claimed. Berndt also discloses the compressible body being an elongated cylindrical body having a first end, wherein a first cavity creates an opening in the first end and axially extends along the length of and within the compressible body almost to an endpoint of the body (re claim 48), the first cavity mating with the core of the cable (re claim 49), the compressible body being an elongated cylindrical body having a first end, wherein the cavity creates an opening in the first end and axially extends along the entire length of and within the compressible body (re claim 50), the core of the cable being inserted into the cavity at the first end (re claim 51), the rigid enclosure being a tube with a first open end and a second open end that accepts the compressible body (re claim 53), the first open end allowing the core of the cable to mate with the compressible body and the second open end being attached to the connector (re claim 54), and the rigid enclosure being a steel tube (re claim 56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berndt.

Berndt discloses a mechanical fitting (Figures 1-9) to connect a first cable and a second cable, comprising at least one compressing body (20) fixed to the cable core, the at least one compressing body having indentation on inner surface

along a longitudinal axis, the indentation forming a lumen inside the compressing body; and a rigid enclosure, wherein the rigid enclosure encapsulates the at least one compressing body; wherein tension on the cable causes the at least one compressing body to compress the cable core.

Berndt does not specifically disclose the fitting is used to connect a first aluminum conductor composite core reinforced cable and a second aluminum conductor composite core reinforced cable nor the at least one compressing body being formed from at least two sections, and wherein the at least two sections close together to compress the composite core.

Although not specifically disclosed by Berndt, it would have been obvious to one skilled in the art to use the fitting of Berndt to connect a first aluminum conductor composite core reinforced cable and a second aluminum conductor composite core reinforced cable since the fitting of Berndt comprises structure and material as claimed and since it has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re*

Casey, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

It would also have been obvious to one skilled in the art to modify the compressing body of Berndt to comprise two at least two sections which close together to compress the composite core since it has been held that constructing a formerly integral structure into various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

6. Claims 75-79, 81, 82 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berndt in view of Goldsworthy et al. (2004/0026112).

Berndt discloses the invention substantially as claimed, see the 102 rejection above, except for the cable being an aluminum conductor composite core reinforced cable. Goldsworthy et al. discloses an aluminum conductor composite core reinforced cable. It would have been obvious to one skilled in the art to use the cable as taught by Goldsworthy et al. with the terminal of Berndt for transmitting electrical signals since the cable of Goldsworthy et al. provides both electrical conductivity and strength.

Allowable Subject Matter

7. Claims 1-12, 14-16, 18, 19, 21-24, 26-39, 42, 52, 65, 66, and 80 are allowed.
8. Claims 55, 57-62, 83, 85, 87, 89, and 90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments filed 9/9/2005 have been fully considered but they are not persuasive.

Applicant argues that Berndt discloses a gripping member and a coil spring. Each gripping member disclosed in the Berndt reference comprises gripping jaws which function to bit the cable core, and the coil spring merely functions to assert pressure on the gripping member. In contrast, applicant does not disclose gripping member or coil spring. In response, even though Berndt calls the element 51, a gripping member and the element 62, a coil spring, such elements perform the same functions as the compressible body and the compression element in the claimed invention. Specifically, Berndt discloses the gripping member 51 along with the cup-shaped member and the coil spring complete the gripping assembly for the cable core. In addition, the fact that the gripping member (or the

compressible body 51) of Berndt biting on the cable core, would further hold the cable core within the compressible body.

Regarding the combination of Berndt and Goldsworthy et al., applicant argues that the combination does not teach or suggest all of the claim limitations, specifically the composite core disclosed by Goldsworthy et al. differs substantially from applicant's. This argument is not found persuasive. Applicant's claimed invention, as presented, does not recite any particular structure or material for the composite core. It is merely recited as a composite reinforced core (see claim 75), and this is disclosed in Goldsworthy et al.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chau N. Nguyen
Primary Examiner
Art Unit 2831